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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,080	02/28/2001	Andreas Flohr	CM1905Q/MH	6376

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

12

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8c

Office Action Summary	Application No. 09/786,080	Applicant(s) FLOHR, ANDREAS	
	Examiner C. Lynne Anderson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 June 2003 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 103(b) as being unpatentable over Daniels et al. (WO 99/58092) and further in view of Ouellette et al. (4,637,819).

Daniels discloses all aspects of the claimed invention, but remains silent as to the area of the apertures. Daniels discloses an absorbent article, as shown in figure 1, comprising a topsheet 38 having a first zone and a second zone. The first zone is defined by the outer row of bonds 56, and the second zone comprises the remainder of the topsheet 38. Both the first and second zones have areas of bonds 52, the bonded area of the second zone being greater than the bonded area of the first zone, as shown in figure 1. The first zone has an effective open area of at least 10 percent, as disclosed in page 5, line 37. The topsheet 38 is constructed from an apertured material,

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a suitable material being disclosed by Ouellette, as described by Daniels in page 7, lines 12-14.

Ouellette discloses an apertured nonwoven web suitable for use as a topsheet, as described in column 7, lines 1-3. The apertures have a diameter of about 0.66 mm, as disclosed in column 14, lines 60-65, and therefore have an area of greater than 0.2 mm².

Daniels discloses the apertured web of Ouellette is a suitable material to use as the topsheet 38, and therefore it would be obvious to one of ordinary skill in the art at the time of invention to construct the absorbent article of Daniels with the apertured web material of Ouellette.

With respect to claim 2, the first zone comprises a central area of the topsheet 38, and the second zone comprises an outer zone.

With respect to claim 3, the second zone comprises a pair of outer zones, one on either lateral side of the absorbent article.

With respect to claim 4, the central, or first, zone has an effective open area of at least 15 percent, as disclosed in page 8, lines 4-6.

With respect to claim 5, Ouellette discloses apertures with an area of 0.34 mm². It would have been an obvious matter of design choice to make the area of the apertures at least 1.0 mm², since the applicant has not disclosed the size of the apertures solves any stated problem or serves any particular purpose. It appears the invention would perform equally well with apertures of 1.0 mm² or 0.34 mm².

With respect to claims 6-9, the outer zone has a bonded area of between 5 to 15 percent, as disclosed in page 13, lines 12-14.

With respect to claim 10, Daniels discloses an absorbent article comprising the bonded, apertured web as a topsheet 38.

With respect to claim 11, Daniels discloses a backsheet 40 and an absorbent core 42.

With respect to claim 12, Daniels, in view of Ouellette, discloses bonding a web with a greater area of bonding in the outer zone than in the central zone, an aperturing the central zone.

With respect to claim 13, Daniels discloses a central zone having an effective open area of at least 10 percent, as described in page 8, lines 4-6.

With respect to claim 14, Ouellette discloses apertures having an area of at least 0.2 mm^2 , as described in column 14, lines 60-65.

With respect to claim 15, Daniels discloses an outer zone having a bonded area of at least 12 percent, as described in page 13, lines 12-14.

With respect to claim 16, Daniels discloses an outer zone having a bonded area of 15 percent, as described in page 13, lines 12-14.

With respect to claim 17, Daniels discloses a web comprising a pair of outer zones running laterally on opposite sides of the central region, as shown in figure 1.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

CJA
cla
July 16, 2003


Aaron J. Lewis
Primary Examiner